

Prior law (R.S. 9:1725(5)) provided that for an inter vivos trust, the "proper court" was the district court of the parish designated by the settlor.

New law (R.S. 9:2235(A)) provides that for an inter vivos trust, the proper court is the district court of the parish designated by the trust instrument.

Prior law (R.S. 9:1725(5)) provided that if the settlor had not designated the proper court for an inter vivos trust, the proper court was the district court of the domicile of the resident trustee or the parish where the property was located.

New law (R.S. 9:2235(A)) provides that if the settlor has not designated the proper court for an inter vivos trust, the proper court is any of the following: (a) the district court of the parish in which a settlor was domiciled when the trust was created, (b) if the trust has a trustee domiciled in La., the district court of the parish in which a trustee is domiciled, and (c) if the trust has no trustee domiciled in La., the district court in which the agent for service of process of any nonresident trustee is domiciled.

Prior law (R.S. 9:1725(5)) provided that for a testamentary trust, the proper court was the district court having jurisdiction of the settlor's succession.

New law (R.S. 9:2235(A)) retains prior law, but also provides that the settlor can designate the proper court and that all of the trustees, beneficiaries, and living settlers can agree to a proper court after the trustee has been put into possession of the entire legacy.

New law (R.S. 9:2235(E)) provides that amendments to a trust instrument after an action has been filed shall have no effect on the designation of the proper court.

Prior law (R.S. 9:1893) provided that a class trust could be created with respect to income or principal, or both, but the members of the class were required to always be the sole beneficiaries of the interest affected, whether income, principal, or both.

New law (R.S. 9:1893) provides that a class trust may be created with respect to all or a portion of principal, or both, and that the members of the class must always be the sole beneficiaries of the portion of the trust of which they are beneficiaries.

Prior law (R.S. 9:1895) provided that an interest of a member of a class trust who dies during the term of the trust may vest in the other members of the class if the member died without descendants and the trust instrument so provides.

New law (R.S. 9:1895) retains prior law, but also provides that the trust instrument may provide that, except as to the legitime in trust, the interest of a member of the class who dies leaving one or more descendants vests in the beneficiary's descendant heirs.

New law (R.S. 9:1973(C)) provides that the trust instrument may provide that the interest of a designated principal beneficiary of a revocable trust shifts to another person or persons, if the substitution occurs no later than the date when the trust becomes irrevocable.

Prior law (R.S. 9:2004) provided the general rule for seizure by a creditor of a beneficiary's interest in income or principal.

New law (R.S. 9:2004) retains prior law, but also provides that a beneficiary will not be deemed to have donated property to a trust merely because he fails to exercise a right of withdrawal from the trust.

Prior law (R.S. 9:2025) provided the limits for the delegation of authority to terminate or modify the provisions of a trust.

New law (R.S. 9:2025) retains prior law, but also adds the exception that the authority to modify the provisions of a trust can be delegated in accordance with R.S. 9:2031.

New law (R.S. 9:2031) provides that a trust instrument may authorize a person other than the settlor to modify the provisions of the trust instrument in order to add or subtract

beneficiaries, or modify their rights, if all of the affected beneficiaries are descendants of the person given the power to modify.

Prior law (R.S. 9:2045) provided that the right to revoke a trust can be delegated.

New law (R.S. 9:2045) retains prior law, but also adds that the right to amend may not be delegated except as provided in R.S. 9:2025 and 2031.

Effective August 15, 2010.

(Amends R.S. 9:1725(5), 1893, 1895(A), 1971, 2004(2), 2011, 2025, and 2045; Adds R.S. 9:1973(C), 2031, and 2235)